

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 201904286	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/17/2019 6:00 AM	Location of Incident: [REDACTED]	Precinct: 32	18 Mo. SOL 11/17/2020	EO SOL 7/4/2021	
Date/Time CV Reported Fri, 05/17/2019 11:08 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/17/2019 11:08 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Michael Duffy	1235	948329	NARCBMN
2. POM Carlos Ramos	02287	944919	NARCBMN
3. SGT Ian Scheinblum	05075	941140	NARCBMN
4. POM Jorge Monge	06417	955212	NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Francisco Guzman	4091	931712	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Michael Duffy	Abuse: Detective Michael Duffy entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
B.DT3 Michael Duffy	Abuse: Detective Michael Duffy searched § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
C.DT3 Michael Duffy	Force: Inside of § 87(2)(b) [REDACTED] in Manhattan, Detective Michael Duffy used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.DT3 Michael Duffy	Force: Inside of § 87(2)(b) [REDACTED] in Manhattan, Detective Michael Duffy struck § 87(2)(b) [REDACTED] with a gun.	[REDACTED]
E.DT3 Michael Duffy	Force: Inside of § 87(2)(b) [REDACTED] in Manhattan, Detective Michael Duffy restricted § 87(2)(b) [REDACTED]'s breathing.	[REDACTED]
F.DT3 Michael Duffy	Discourtesy: Inside of § 87(2)(b) [REDACTED] in Manhattan, Detective Michael Duffy spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
G.POM Jorge Monge	Discourtesy: Inside the prisoner van parked in the vicinity of § 87(2)(b) [REDACTED] in Manhattan, Police Officer Jorge Monge spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
H.POM Carlos Ramos	Discourtesy: Inside the prisoner van parked in the vicinity of § 87(2)(b) [REDACTED] in Manhattan, Police Officer Carlos Ramos spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
I.DT3 Michael Duffy	Abuse: Inside § 87(2)(b) [REDACTED] in Manhattan, Detective Michael Duffy refused to show the search warrant to § 87(2)(b) [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
J.SGT Ian Scheinblum	Abuse: Inside of § 87(2)(b) in Manhattan, Sergeant Ian Scheinblum damaged § 87(2)(b)'s property.	

Case Summary

On May 17, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone.

On May 17, 2019, at approximately 6 a.m., § 87(2)(b) was at his home located at § 87(2)(b) in Manhattan with his wife, § 87(2)(b) § 87(2)(b)-old son, § 87(2)(b) and § 87(2)(b)-old daughter, § 87(2)(b). Officers from the Narcotics Borough Manhattan North, including Detective Michael Duffy, Sergeant Ian Scheinblum, Police Officer Jorge Monge, Police Officer Carlos Ramos, and Detective Francisco Guzman, entered and searched § 87(2)(b)'s apartment pursuant to a search warrant (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). Upon entry, Det. Duffy allegedly elbowed § 87(2)(b) in the ribs and struck him with his firearm (**Allegations C and D: Force**, § 87(2)(g)). Det. Duffy allegedly picked § 87(2)(b) off the ground by the back of his neck and restricted his breathing (**Allegation E: Force**, § 87(2)(g)). Det. Duffy allegedly told § 87(2)(b) to “shut the fuck up” and made several other discourteous statements using the word “fuck” (**Allegation F: Discourtesy**, § 87(2)(g)). Inside the prisoner van parked in the vicinity of § 87(2)(b) § 87(2)(b) in Manhattan, PO Monge and PO Ramos allegedly told § 87(2)(b) to “shut the fuck up” (**Allegations G and H: Discourtesy**, § 87(2)(g)). Det. Duffy allegedly refused to show the search warrant to § 87(2)(b) (**Allegation I: Abuse of Authority**, § 87(2)(g)). Sgt. Scheinblum allegedly damaged § 87(2)(b)'s living room wall (**Allegation J: Abuse of Authority**, § 87(2)(g)).

Det. Duffy issued § 87(2)(b) and § 87(2)(b) criminal court summonses for § 87(2)(b).

There is no video footage of this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Michael Duffy entered § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: Detective Michael Duffy searched § 87(2)(b) in Manhattan.

The investigation established the following facts:

On May 17, 2019, at approximately 6 a.m., Det. Duffy went to § 87(2)(b) § 87(2)(b) in Manhattan and executed a search warrant for narcotics § 87(2)(e), § 87(2)(f). Det. Duffy was the investigating officer of the case. Upon entry, officers handcuffed § 87(2)(b) and § 87(2)(b) and performed a search of their apartment. § 87(2)(b) and § 87(2)(b) were brought to the prisoner van while the officers completed their search. The officers located a small quantity of marijuana in the kitchen and Det. Duffy consequentially issued § 87(2)(b) and § 87(2)(b) criminal court summonses in regard. The officers did not locate any other contraband inside the apartment.

On May 10, 2019, the Honorable § 87(2)(b) signed search warrant number § 87(2)(b), which authorized officers to enter the premises of § 87(2)(b) § 87(2)(b), in Manhattan, between the hours of 6 a.m. and 9 p.m. without giving notice of authority or purpose, within ten days of the date of issuance (BR 01).

Article 690.50 of the Criminal Procedure Law permits officers who have obtained a valid judge-issued search warrant to forcefully enter a premise and conduct a full and thorough search for contraband (BR 12).

§ 87(2)(g)

Allegation (C) Force: Inside of § 87(2)(b) in Manhattan, Detective Michael Duffy used physical force against § 87(2)(b)

Allegation (D) Force: Inside of § 87(2)(b) in Manhattan, Detective Michael Duffy struck § 87(2)(b) with a gun.

Allegation (E) Force: Inside of § 87(2)(b) in Manhattan, Detective Michael Duffy restricted § 87(2)(b)'s breathing.

§ 87(2)(b) (BR 11) testified that he was sleeping in his bed in the living room when § 87(2)(b) woke him up. § 87(2)(b) saw that the front door was bending toward the inside of the apartment and saw officers outside the door. § 87(2)(b) approached the door to open it, but as he did so, the officers pushed open the door and entered. Det. Duffy immediately elbowed § 87(2)(b) in his left rib area causing § 87(2)(b) to go to the ground. When § 87(2)(b) asked what was going on, Det. Duffy hit § 87(2)(b) in the left side of his head above his ear with the back of his “9mm beret gun.” Det. Duffy handcuffed § 87(2)(b) and picked him up by the back of his neck, restricting § 87(2)(b)'s breathing for approximately two seconds. Det. Duffy sat § 87(2)(b) down in a chair in the living room.

§ 87(2)(b) provided photographs of redness to his neck and wrists (BR 02). § 87(2)(b) did not seek medical treatment in regard.

The investigation did not obtain a statement from § 87(2)(b) as she was uncooperative with the investigation.

Det. Duffy (BR 03) testified that he was assigned to the entry bunker during the search warrant, meaning he was the first officer to enter the apartment after the door was breached. Upon entering the apartment, Det. Duffy had his shield in one hand and his 9mm handgun in his other hand. § 87(2)(b) was standing on Det. Duffy's left side, but Det. Duffy did not have any interaction with him. Det. Duffy heard an unidentified officer yell, “She's running,” and saw § 87(2)(b) run into a back bedroom and shut the door. Det. Duffy followed after § 87(2)(b) kicked the door open, as he could not use his hands since he was holding his shield and firearm. Another unidentified officer handcuffed § 87(2)(b) without incident. Det. Duffy denied using any physical force against § 87(2)(b) including hitting § 87(2)(b) with his firearm or grabbing § 87(2)(b) by the neck, or being involved in his apprehension in any way.

Det. Guzman (BR 04) testified that he was one of the last officers to enter the apartment, but saw § 87(2)(b) get on the ground voluntarily. Det. Guzman was assigned to entry cuff and toss, meaning that he was responsible for handcuffing any occupants inside the apartment. Det. Guzman either handcuffed § 87(2)(b) himself or assisted another officer in doing so, but he did not remember for certain. Det. Guzman denied seeing Det. Duffy elbow § 87(2)(b) in the rib, hit him with the back of his firearm, or pick him up off the ground by § 87(2)(b)'s neck. § 87(2)(b) never complained that his breathing had been restricted or of injuries. Det. Guzman did not see any injuries on § 87(2)(b)'s person.

Sgt. Scheinblum (BR 05) testified that he saw § 87(2)(b) on the ground, but did not know how he got to the ground nor if officers used force to get him to the ground. Sgt. Scheinblum did not see Det. Duffy use any force against § 87(2)(b) and § 87(2)(b) never complained of any injuries to Sgt. Scheinblum.

PO Monge (BR 07) testified that he was only in the apartment for approximately two to three minutes before returning to the prisoner van. PO Monge was not involved in the apprehension of the occupants and did not see any injuries on their persons.

PO Ramos (BR 06) had a limited recollection of this incident and did not remember if he ever entered the apartment. § 87(2)(b) did not complain to PO Ramos that Det. Duffy used physical force against him.

A request for the Threat, Resistance, or Injury Reports (TRIs) prepared for § 87(2)(b) returned negative results.

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Discourtesy: Inside of § 87(2)(b) in Manhattan, Detective Michael Duffy spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that when he asked why the officers were in his house, Det. Duffy responded, “Shut the fuck up.” § 87(2)(b) further alleged that while he was sitting in the living room, the officers located the marijuana in the kitchen. Det. Duffy said, “We’re not here for just [marijuana]. Where’s the fucking drugs?” When Det. Duffy approached the prisoner van to bring § 87(2)(b) back up to the apartment, Det. Duffy asked § 87(2)(b) “Why the fuck are you laughing?” and said, “Shut the fuck up.”

Det. Duffy denied making any of the aforementioned statements. Det. Duffy testified that he told § 87(2)(b) that the officers were not there for marijuana, but denied asking, “Where’s the fucking drugs?” Det. Duffy said he “barely spoke” to § 87(2)(b) during the incident.

Sgt. Scheinblum, Det. Guzman, PO Ramos, and PO Monge, all denied hearing Det. Duffy use the word “fuck” during the incident.

§ 87(2)(g)

Allegation (G) Discourtesy: Inside the prisoner van parked in the vicinity of § 87(2)(b) in Manhattan, Police Officer Jorge Monge spoke discourteously to § 87(2)(b)

Allegation (H) Discourtesy: Inside the prisoner van parked in the vicinity of § 87(2)(b) in Manhattan, Police Officer Carlos Ramos spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that when he was placed in the minivan with § 87(2)(b) after being handcuffed, he tried to speak with PO Monge and PO Ramos, but they both told § 87(2)(b) “Shut the fuck up.”

PO Monge and PO Ramos denied telling § 87(2)(b) to “shut the fuck up” or otherwise using profanity. PO Monge did not remember speaking with § 87(2)(b) in the prisoner van. PO Ramos had a limited recollection of the incident and did not remember § 87(2)(b) being brought to the prisoner van or interacting with him.

§ 87(2)(g)

Allegation (I) Abuse of Authority: Inside of § 87(2)(b) in Manhattan, Detective Michael Duffy refused to show the search warrant to § 87(2)(b)

§ 87(2)(b) testified that after being in the prisoner van for approximately two and a half hours, Det. Duffy brought § 87(2)(b) and § 87(2)(b) back to their apartment. Det. Duffy presented § 87(2)(b) and § 87(2)(b) a stack of papers and told them to sign it. The top corner of the paper was folded so § 87(2)(b) did not know what he was signing. § 87(2)(b) then asked Det. Duffy to see a copy of the search warrant and Det. Duffy replied, “You ain’t going to be able to see nobody.” Det. Duffy then issued § 87(2)(b) and § 87(2)(b) summonses for unlawful possession of marijuana.

Det. Duffy denied that he refused to show the search warrant upon request and testified that he presented both § 87(2)(b) and § 87(2)(b) with the search warrant after they were brought back to their apartment, which they both signed.

§ 87(2)(g)

Allegation (J) Abuse of Authority: Inside of § 87(2)(b) in Manhattan, Sergeant Ian Scheinblum damaged § 87(2)(b)'s property.

§ 87(2)(b) testified that his living room wall, which previously had a hole in it due to a leak, had a new hole near the left corner, which looked as though officers “put a head through the wall.” § 87(2)(b) did not see any officer do anything which could have caused this damage, but attributed the hole to the officers because it was not there prior to the incident.

Sgt. Scheinblum, Det. Duffy, and Det. Guzman consistently testified that § 87(2)(b)'s apartment was in poor condition when the officers entered and denied damaging any property during the course of the search. Det. Duffy and Det. Guzman both testified that there were holes in the walls upon their entry. Sgt. Scheinblum testified that upon his entry, the apartment was in a state of “disarray,” but he did not see any holes in the walls.

Det. Duffy testified that he asked § 87(2)(b)'s children about a hole in the living room wall and the children said, “That’s what daddy does when he’s angry.”

As Sgt. Scheinblum was the supervisor on scene and § 87(2)(b) was not present at the time of the alleged property damage, Allegation J has been pled against Sgt. Scheinblum.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- Det. Duffy has been a member of service for 10 years and has been a subject in five prior CCRB complaints and six allegations, none of which was substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- Sgt. Scheinblum has been a member of service for 13 years and has been a subject in 10 prior CCRB complaints and 23 allegations, none of which was substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- PO Monge has been a member of service for six years and has been a subject in eight CCRB complaints and 17 allegations, one of which was substantiated:
 - 201510236 involved a substantiated allegation of physical force. The Board recommended charges and the NYPD imposed a forfeiture of 15 vacation days.
 - § 87(2)(g) [REDACTED]
[REDACTED]
- PO Ramos has been a member of service for 12 years and has been a subject in seven prior CCRB complaints and 13 allegations, none of which was substantiated. § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of June 1, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 09).
- § 87(2)(b) [REDACTED]

§ 87(2)(b) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date